

Arnold B. Calmann (abc@saiber.com)
Jeffrey Soos (js@saiber.com)
Katherine A. Escanlar (kae@saiber.com)
SAIBER LLC
One Gateway Center, 10th Floor
Newark, New Jersey 07102-5311
973-622-3333
973-286-2465 (facsimile)

Douglass C. Hochstetler (DHochstetler@KelleyDrye.com)
Constantine Koutsoubas (CKoutsoubas@KelleyDrye.com)
KELLEY DRYE & WARREN LLP
333 West Wacker Drive
26th Floor
Chicago, IL 60606
312-867-7070
312-867-7096 (facsimile)

Beth D. Jacob (BJacob@KelleyDrye.com)
Clifford Katz (CKatz@KelleyDrye.com)
Sung W. Kim (SuKim@KelleyDrye.com)
KELLEY DRYE & WARREN LLP
101 Park Avenue
Suite 1700
New York, NY 10178
212-808-7800
212-808-7897 (facsimile)

Attorneys for Defendants/Counterclaim Plaintiffs
Mylan Pharmaceuticals Inc. and Mylan Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

OREXO AB,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC. and
MYLAN INC.,

Defendants.

Civil Action No. 3:11-cv-3788-FLW-LHG

Hon. Freda L. Wolfson, U.S.D.J.
Hon. Lois H. Goodman, U.S.M.J.

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**DECLARATION OF CONSTANTINE KOUTSOUBAS IN SUPPORT OF
MYLAN'S MOTION TO SEAL**

I, CONSTANTINE KOUTSOUBAS, do declare and state as follows:

1. I am a member of the State Bar of Illinois. I am admitted *pro hac vice* to practice before the Court in the present action. I am an attorney at Kelley Drye & Warren LLP, counsel to Defendants Mylan Pharmaceuticals Inc. and Mylan Inc. (collectively “Defendants” or “Mylan”).
2. I am submitting this Declaration based upon my personal knowledge, information, and belief.
3. I submit this declaration in support of Mylan’s Motion to Seal the following portions of the July 6, 2012 letter and exhibits to the July 8, 2012 letter (ECF Nos. 64 and 65) (“Confidential Documents”):

July 6, 2012 Letter

- Page 4, last paragraph, line 3;
- Page 5, lines 6-7;
- Attachment to July 6, 2012 letter, Table of Disputed Terms, Rows 2-7, Column 2, all constructions except “Treatment” and “Effective amount of at least one pharmaceutically active agent in the form of microparticles adhered to the surfaces of carrier particles”;

Exhibit B to the July 8, 2012 letter

- Page 2, Attachment 2, Row 3, Column 2, lines 1-5;
- Page 3, Attachment 2, Row 2, Column 2, lines 22-23;
- Page 6, Attachment 3, Row 3, Column 2, lines 5-22;
- Page 7, Attachment 3, Row 2, all of Column 2;
- Page 8, Attachment 3, Row 2, Column 2, lines 1-7, 9-15;

- Page 28, Attachment 3, Row 2, Column 2, line 27;
- Page 29, Attachment 3, Row 2, all of Column 2;
- Page 30, Attachment 3, Row 2, Column 2, lines 1-17;

Exhibit D1 to the July 8, 2012 letter

- Table, all constructions except “treatment” and “effective amount of at least one pharmaceutically active agent in the form of microparticles adhered to the surfaces of carrier particles”; and

Exhibit D2 to the July 8, 2012 letter

- Table, Row 3, Columns 2-5.

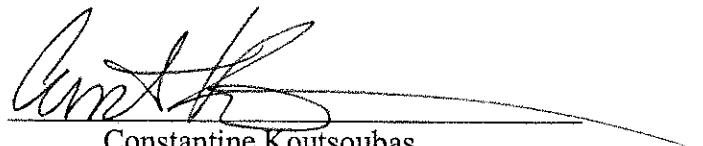
4. The information identified in Paragraph 3 reveals information that Defendants have marked as Confidential – Outside Counsel’s Eyes Only, prior to the entry of the Discovery Confidentiality Order in this case. After the entry of the Discovery Confidentiality Order, the parties agreed that the information would be treated as “Highly Confidential” pursuant to the Discovery Confidentiality Order entered by the Court in this matter.

5. Defendants assert that the information identified in Paragraph 3 above constitutes information relating to Defendants’ confidential, internal proprietary business, technical and sensitive information and which pertain to the formulation and manufacture of Mylan’s ANDA product.

6. Defendants assert that the information in Paragraph 3 above constitutes confidential and/or proprietary information. If such information were to become available to the public, competitors may potentially use such information to Defendants’ detriment.

7. Accordingly, it is respectfully requested that the Court grant Mylan’s Motion to Seal.

I declare under penalty that the foregoing is true and correct. Executed this 16th day of July, 2012:



Constantine Koutsoubas